

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK (MANHATTAN)

Motion Date: April 7, 2011
Time: 10:00 a.m.
Hon. Shelley C. Chapman

Chapter - 13
Case No. 11-11498 (SCC)

In re:

LUKE THOMPSON
aka d/b/a B 1 Management,

Debtor.

**SUPPLEMENTAL
AFFIDAVIT IN
FURTHER SUPPORT
OF LANDLORD'S
MOTION REGARDING
STAY**

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:
}

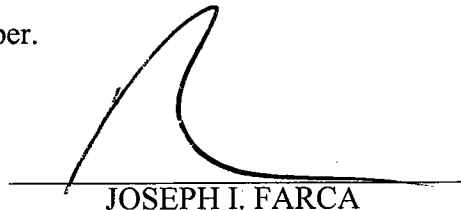
JOSEPH I. FARCA, being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice before the courts of the state of New York, and am a member of the firm of Borah, Goldstein, Altschuler, Nahins & Goidel, P.C., attorneys for 1010 Sixth Associates LLC, the owner and landlord ("Landlord") of real property known as and by 66 West 38th Street, New York, New York 10018, Apartment 44C (the "Apartment").

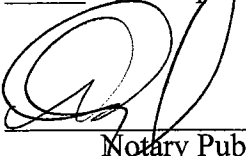
2. Supplementing the Landlord's April 1, 2011 motion for stay relief, this office received today the Decision and Order of the Civil Court, New York County, dated April 5, 2011 (annexed hereto as **Exhibit "A"**), denying the Debtor's motion seeking to void that court's judgment because it was entered at a time that the case was "removed" to Federal Court.

3. There was, of course, no statutory basis to invoke federal jurisdiction as found by Judge Preska (*see* Exhibit "L" to movant's principal moving papers).

WHEREFORE, the Landlord's application should be granted; together with such other, further and different relief as is just and proper.


JOSEPH I. FARCA

Sworn to before me this
6th day of April 2011


Notary Public

MICHAEL E. CAMPOREALE
Notary Public, State of New York
No. 010AS144274
Qualified in Orleans County
Commission Expires April 24, 2014 2014

Exhibit A

Exhibit A

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK
HOUSING PART H ,RM.1164B
APRIL 04, 2011

INDEX NO. 098989/2009
MOTION SEQUENCE NO.: 016

1010 SIXTH ASSOCIATE LLC
PETITIONER(S),
AGAINST
THOMPSON LUKE
RESPONDENT(S)

DECISION/ORDER

PRESENT:

JOHN STANLEY
JUDGE

RECITATION, AS REQUIRED BY CPLR 2219(A), OF THE PAPERS CONSIDERED IN THE
REVIEW OF THIS OSC TO VACATE DEFAULT JUDGMENT/RESTORE TO THE CALENDAR

PAPERS	NUMBERED
NOTICE OF MOTION AND AFFIDAVITS ANNEXED.....	
ORDER TO SHOW CAUSE AND AFFIDAVITS ANNEXED....	
ANSWERING AFFIDAVITS.....	
REPLYING AFFIDAVITS.....	
EXHIBITS.....	
STIPULATIONS.....	
OTHER.....	

UPON THE FOREGOING CITED PAPERS, THE DECISION/ORDER IN THIS MOTION IS
AS FOLLOWS:

Respondent's motion seeking to strike "as void," by virtue of case removal all pleadings made between effectuation of notice of removal," is denied in its entirety. On Feb 3 2011 the Federal Court denied the Notice of Removal & remanded the proceeding to the court stating among other things that the federal court lacked subject matter jurisdiction and as such any purported stay issued by respondent is rendered null & void. It should be noted that the federal court granted respondent "in forma pauper" status & denied respondent the right to appeal its decision because "it could not be taken in good faith. All stay vacated"

SO ORDERED

JOHN H. STANLEY
JUDGE, HOUSING PART